IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24537 of 2004

Between:

1 Pandipati Vamsidhar Reddy, S/o. Raghava Reddy,
R/o. Buchireddipalem, Nellore District.
2 Pandipati Raghava Reddy, S/o. Chinna Masthan Naidu,
R/o. Buchireddipalem, Nellore District.

... PETITIONERS

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Sangam Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the undated order of the 3rd respondent in respect of Ac.1.86 cents of dry land in Sy.No.461/2 and Ac.1.02 cents of dry in Sy.No.461/1 passed against the 1st petitioner and in respect of Ac.4.00 of dry land in Sy.No.461/1 and Ac.3.00 of dry land in Sy.No.461/2 passed against the 2nd petitioner situate in Tarunavai village of Sangam Mandal, Nellore District as illegal, arbitrary, unjust and in violation of provisions of A.P.(Proh of Alienation of Agrl lands) Act 1977 and Articles 14 and 21 of the Constitution of India and principles of natural justice and consequently set-aside the above orders of the 3rd respondent.

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue for the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

2. In this writ petition, the petitioners are challenging the order passed by the third respondent – Mandal Revenue Officer in Proceedings Rc.No.248 /04 in respect of Ac.1.86 cents of dry land in Sy.No.461/2 and Ac.1.02 cents of dry in Sy.No.461/1 passed against the 1st petitioner and in respect of Ac.4.00 of dry land in Sy.No.461/1 and Ac.3.00 of dry land in Sy.No.461/2 passed against the 2nd petitioner situated in Tarunavai village of Sangam Mandal, Nellore District. The impugned orders were issued by the third respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

3. Admittedly, against the impugned orders, the petitioners have an effective alternative remedy of filing an appeal before the Revenue Divisional Officer concerned and without availing the same, the petitioners have approached this Court in a posthaste manner.

4. In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the petitioners to file an appeal along with a stay application before the second respondent - Revenue Divisional Officer within a period of six weeks from today. The second respondent – Revenue Divisional Officer is directed to pass appropriate orders either on the stay application or dispose of the appeal itself, as expeditiously as possible. Till the disposal of the stay application, *status quo* existing as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

N.V. RAMANA, J

December 29, 2004

MRR / SVV

Copy to:

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Sangam Mandal, Nellore District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.